

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JULIE ELLEN WARTLUFT, et al., : CIVIL ACTION NO. 1:16-CV-2145**

Plaintiffs : **(Chief Judge Conner)**

v. :

**THE MILTON HERSHEY SCHOOL,  
et al.,** :

Defendants :

**ORDER**

AND NOW, this 7th day of December, 2018, upon reconsideration of our August 10, 2017 memorandum and order (Docs. 62, 63), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Plaintiffs' previously dismissed tort claims are REINSTATED as follows:
  - a. Plaintiffs' negligence (Count III), intentional infliction of emotional distress as to Abrielle (Count IX), negligent infliction of emotional distress (Count X), civil conspiracy to endanger children (Count XI), and breach of fiduciary duties of care and good faith (Count XII) in the amended complaint are REINSTATED.
  - b. Plaintiffs' negligent misrepresentation (Count VII), intentional misrepresentation (Count VIII), and intentional infliction of emotional distress as to plaintiffs (Count IX) are DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).
2. If Plaintiffs choose to amend, they shall file a second amended complaint within **fourteen (14) days** of the date of this order, consistent with the above paragraph and the accompanying memorandum. In the absence of a timely filed second amended complaint, the above-captioned action shall proceed on the amended complaint in accordance with the accompanying memorandum.

3. The court's August 10, 2017 memorandum and order (Docs. 62, 63) are VACATED.
4. Defendants' motion (Doc. 119) for judgment on the pleadings and motion (Doc. 158) for summary judgment are DISMISSED without prejudice to the right to reinstitute and supplement said motions at the request of the parties.
5. The parties' joint motion (Doc. 215) in support of their stipulation to extend case management deadlines is DISMISSED as moot. In light of the memorandum and order of today's date, the parties shall meet and confer and file a joint proposed scheduling order amending the current case management deadlines, (see Doc. 171), on or before **Friday, December 28, 2018.**

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania